

Amendment No. 1 to SB1285

Bailey
Signature of Sponsor

AMEND Senate Bill No. 1285

House Bill No. 1060*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 50-7-302(a), is amended by deleting subdivision (4) and substituting:

(4)

(A) The claimant is able to work, available for work, and making a reasonable effort to secure work. As used in this subdivision (a)(4)(A), "making a reasonable effort to secure work" means the claimant provides detailed information regarding at least five (5) work search activities per week;

(B) The following actions are acceptable work search activities that count toward the requirement of subdivision (a)(4)(A) that a claimant is making a reasonable effort to secure work:

- (i) A department-approved job search or skills assessment;
- (ii) Completion of a department-approved job search plan;
- (iii) Participating in an on-the-job training opportunity;
- (iv) Taking a civil service exam;
- (v) Developing a complete resume in the state's employment service system;
- (vi) Submitting a resume to an employer;
- (vii) Completing and submitting a job application to an employer;
- (viii) Attending and completing an interview with an employer;
- (ix) Attending a job fair; or

(x) Completing a skills test assigned by an employer as part of an interview process;

(C)

(i) The administrator shall:

(a) Verify whether claimants are complying with the requirement of at least five (5) work search activities per week; and

(b) Disqualify any claimant receiving benefits who the administrator finds has provided false work search information;

(ii) In determining whether the claimant is making a reasonable effort to secure work, the administrator shall consider the customary methods of obtaining work in the claimant's usual occupation or occupation for which the claimant is reasonably qualified, the current condition of the labor market, and any attachment the claimant may have to a regular job;

(D) A claimant shall not be considered ineligible in any week of unemployment for failure to comply with this subsection (a) if the failure is due to an illness or disability that occurred after the claimant has registered for work, and no work that would have been considered suitable at the time of the claimant's initial registration has been offered after the beginning of the illness or disability. The administrator may, however, in the administrator's discretion, require the claimant to obtain and submit a certificate by a duly licensed physician as to the illness or disability with respect to each week that the illness or disability exists;

(E) An otherwise eligible claimant shall not be denied benefits for any week because the claimant is in training with the approval of the administrator, nor shall the claimant be denied benefits with respect to any week in which the

claimant is in training with the approval of the administrator by reason of the application of this subsection (a) relating to availability for work, or of § 50-7-303(a)(3) relating to failure to apply for, or refusal to accept, suitable work;

(F) The unemployment of a claimant for any week or any portion of a week, caused by a plant, departmental, or other type of shutdown for vacation purposes, must not be the basis for a denial of benefits for the week, or portion of a week, if the claimant has not or will not receive any vacation pay from the claimant's employer for the period, when so found by the administrator;

(G) An otherwise eligible claimant shall not be denied benefits by reason of the application of this subsection (a) who, subsequent to the claimant's enrollment in and while attending a regularly established school, college, or university, has been regularly employed and becomes unemployed and makes the claimant available for all suitable work, as determined by the administrator, to the same extent that the claimant was previously employed while continuing to attend and be enrolled in the regularly established school, college, or university; provided, that if the claimant is offered the same job that the claimant previously held immediately prior to entering the school and refuses the job, then the claimant is ineligible for the benefits provided by this chapter if the job meets the standards set forth in § 50-7-303(a)(3)(A) and (B) as required by applicable federal law;

(H) This subsection (a) or any other provision of law must not be construed to deny unemployment benefits to any claimant who is a veteran enrolled in school under the Veterans' Educational Assistance Program, commonly known as the "G.I. Bill" (38 U.S.C. § 1650 et seq.), solely because of the claimant's enrollment and attendance in school, if the claimant is otherwise eligible for the benefits, except that if the claimant is offered the same job that the claimant previously held immediately prior to entering the school and refuses the

job, then the claimant shall become ineligible for benefits as provided by § 50-7-303(a)(3) if the job meets the standards set forth in § 50-7-303(a)(3)(A) and (B) as required by applicable federal law; and

(I) A claimant is ineligible for benefits if the claimant is incarcerated four (4) or more days in any week for which unemployment benefits are being claimed;

SECTION 2. Tennessee Code Annotated, Section 50-7-303(a)(3), is amended by adding the following as a new subdivision:

(C)

(i) A claimant who fails to appear for a scheduled job interview is non-compliant with the work search requirements of the unemployment insurance program. A claimant is disqualified for the week the failure occurred;

(ii) The department shall:

(a) Establish a portal on its website, and an email and telephone hotline, for employers to report an unemployment insurance claimant who fails to appear for a scheduled job interview; and

(b) Communicate annually with employers in this state that participate in the unemployment insurance program of the employers' right to use the portal to report suspected unemployment insurance program violations;

SECTION 3. This act takes effect July 1, 2024, the public welfare requiring it.